

REMARKS

Claims 1, 2 and 15-28 are now pending in the application. The Applicants have amended Claims 1, 2, 15-21 and 24 and have cancelled Claims 22, 23 and 25, without prejudice, to particularly point out and distinctly claim the subject matter that Applicants regard as the invention. Support for the present amendments is found throughout the specification and claims, as originally filed.

Rejection under 35 USC § 112, Second Paragraph

The Examiner has rejected Claims 1, 2 and 15-25 under 35 USC § 112, second paragraph, as allegedly being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicants regard as the invention. The Examiner's attention is respectfully directed to the "Amendments" section of the instant communication, in which the Applicants have amended Claims 1, 2, 15-21 and 24 to particularly point out and distinctly claim the subject matter that Applicants regard as the invention. Accordingly, reconsideration and withdrawal of the rejection to Claims 1, 2 and 15-25 are respectfully requested.

Rejection under 35 USC § 102(b) over Schulein

The Examiner has rejected Claims 2 and 26-28 under 35 USC § 102(b) as allegedly being anticipated by WO Patent Number 94/07998 to Schulein et al (hereinafter "Schulein"). The Examiner's rejection is respectfully traversed. The Applicants respectfully direct the Examiner's attention to the "Amendments" section of the instant paper, in which the Applicants have amended Claim 2, from which the balance of the rejected claims ultimately depend, only to obviate the Examiner's rejection. In light of the present amendments, the Applicants submit that Schulein fails to disclose a fabric care composition comprising one or more amino acid sequence(s) comprising the fabric softening protein hybrid of Claim 1, as now required by amended Claim 2. Reconsideration and withdrawal of the rejection to Claims 2 and 26-28 under 35 USC § 102(b) are therefore respectfully requested.

Rejection under 35 USC § 102(b) over Gilkes

The Examiner has rejected Claims 1-2, 15-19, 21-22, 25 and 26-28 under 35 USC § 102(b) as allegedly being anticipated by WO Patent Number 93/05226 to Gilkes et al (hereinafter "Gilkes"). The Examiner's rejection is respectfully traversed. The Applicants respectfully direct the Examiner's attention to the "Amendments" section of the instant paper, in which the Applicants have amended Claim 1, from which the balance of the rejected claims ultimately depend, only to obviate the Examiner's rejection. Moreover, the Applicants have canceled Claims 22, 23 and 25, in favor of incorporation of the subject matter disclosed therein into amended Claim 1. Indeed, the Applicants reserve the right to reinstate the subject matter of Claims 22, 23 and 25 prior to close of prosecution of the present application.

In light of the present amendments, the Applicants submit that Gilkes fails to disclose each and every element of the present invention. Specifically, Gilkes fails to disclose a

fabric softening protein hybrid comprising an amino acid sequence comprising a cellulose binding domain linked to a softening protein, via an amino acid or non-amino acid linking region, as now required by amended Claim 1. Reconsideration and withdrawal of the rejection to Claims 1-2, 15-19, 21-22, 25 and 26-28 under 35 USC § 102(b) are therefore respectfully requested.

Rejection under 35 USC § 103(a) over Schulein in view of Gilkes in further view of Linder


The Examiner has rejected Claims 1-2, 15-22 and 25-28 under 35 USC § 103(a) as allegedly obvious over Schulein in view of Gilkes in further view of J. Biol. Chem., Vol. 271(35):21268-21272, 1996) by Linder et al (hereinafter "Linder"). The Examiner's rejection is respectfully traversed. The Applicants respectfully direct the Examiner's attention to the "Amendments" section of the instant communication, in which the Applicants have amended Claim 1, from which the balance of the aforementioned claims ultimately depend, only to obviate the Examiner's rejection. In light of the present amendments, the Applicants respectfully submit and strongly urge that Schulein in view of Gilkes in further view of Linder fail to teach or suggest a fabric softening protein hybrid comprising an amino acid sequence comprising a cellulose binding domain linked to a fabric softening protein via an amino acid or non-amino acid linking region, as now required by amended Claim 1. Reconsideration and withdrawal of the rejection to Claims 1-2, 15-22 and 25-28 under 35 USC § 103(a) is therefore respectfully requested.

CONCLUSION

Attached hereto at the conclusion of the is communication is a separate sheet entitled "Version With Markings To Indicate Changes Made." Applicants have made an earnest effort to place the present claims in condition for allowance. WHEREFORE, entry of the amendments provided herewith, reconsideration of the claims as amended in light of the Remarks provided, withdrawal of the claims rejections, and allowance of Claims 1, 2, 15-21, 24 and 26-28, as amended, are respectfully requested. In the event that issues remain prior to allowance of the noted claims, then the Examiner is invited to call Applicants' undersigned attorney to discuss any remaining issues.

Respectfully submitted,

ANDRE CESAR BAECK, et al.

By 
C. Brant Cook, Esq.
Attorney for Applicants
Registration No. 39,151
(513) 627-2013

Customer No. 27752

28 May 2002
Cincinnati, Ohio
CM 1762 OAI.doc

VERSION WITH MARKINGS INDICATING CHANGES MADE

Claim 1. A fabric softening protein hybrid comprising an amino acid sequence comprising a cellulose binding domain linked to a fabric softening protein;
wherein said fabric softening protein is linked to said amino acid sequence comprising a cellulose binding domain, via an amino acid and/or non-amino acid linking region.

Claim 2. A fabric care composition comprising ~~one or more amino acid sequence(s)~~ comprising ~~a cellulose binding domain and/or a~~ the fabric softening protein hybrid according to Claim 1.

Claim 15. A fabric softening protein hybrid ~~or fabric care composition~~ according to claim 1, wherein the cellulose binding domain is selected from the group consisting of CBD CenC, CenA, Cex from *Cellulomonas fimi*, CBD CBHI from *Trichoderma reesei*, CBD Cellulozome from *Clostridium cellulovorans*, CBD E3 from *Thermonospora fusca*, CBD-dimer from *Clostridium stecorarium* XynA, CBD from *Bacillus agaradherens*, CBD family 45 from *Humicola insolens* and/or mixtures thereof.

Claim 16. A fabric softening protein hybrid ~~or fabric care composition~~ according to claim 1 wherein the amino acid sequence comprising a cellulose binding domain is selected from the group consisting of CBD family 45 from *Humicola insolens*, CBD CenC from *Cellulomonas fimi* and/or CBD Cellulozome from *Clostridium cellulovorans*.

Claim 17. A fabric softening protein hybrid ~~or fabric care composition~~ according to claim 1 wherein several amino acid sequences comprising a cellulose binding domain are cross linked via an amino acid and/or non-amino acid linking region.

Claim 18. A fabric softening protein hybrid ~~or fabric care composition~~ according to claim 1 wherein 2 to 50 amino acid sequences are cross-linked via an amino acid and/or non-amino acid linking region.

Claim 19. A fabric softening protein hybrid ~~or fabric care composition~~ according to claim 1 wherein 2 to 10 amino acid sequences are cross-linked via an amino acid and/or non-amino acid linking region.

Claim 20. A fabric softening protein hybrid ~~or fabric care composition~~ according to claim 1 wherein the amino acid sequence comprising the N-terminal CBD of *Trichoderma reesei* CBHI is linked to the amino acid sequence comprising the C-terminal CBD of *Trichoderma reesei* CBHI.

Claim 21. A fabric softening protein hybrid ~~or fabric care composition~~ according to claim 12 wherein said softening protein is an inactive enzyme and/or a C18 alkyl quaternary wheat protein derivative.

Claim 24. A fabric softening protein hybrid ~~or fabric care composition~~ according to claim 12, wherein said linking region is a polymer selected from PEG(NPC)2, (NH2)2-PEG, t-BOC-NH-PEG-NH2, MAL-PEG-NHS and/or VS-PEG-NHS polymers.